REMARKS

Claims 1-36 and 43-60 are pending and subject to restriction. Claim number 23 was used twice for different claims and one of them was renumbered as claim 24. Applicant provisionally elected the claims of Group I (claims 1-19) with traverse and amended claims 3, 7, 14, 21, 23, 24, 33, 43, 44, 55 and 56.

The Examiner has agreed that claims 20-26, 43 and 54-60 are drawn to the same class/subclass, do not require an additional burden to examine, and are rejoined to the claims with Group I. Claims 44-53 remain subject to restriction and are withdrawn from consideration, without prejudice. Applicant reserves the right to file divisional applications with regard to these particular claims.

Claims 61-63 are new and are drawn to the subject matter of Group 1. No new matter has been added.

CLAIM REJECTIONS

Claims 1-2, 4-16, 19-22, 25, 32, 43, 54 and 55-56 as pending have been rejected under 35 U.S.C. § 103(a). Claims 3, 17, 18, 23, 24 and 34-35 would be allowable if rewritten to include all of the limitations of the base and any intervening claims.

AMENDMENTS

Independent claims 1, 14, 20 and 54 are amended to recite that the magnetic actuator has an elongated magnetic field with like magnetic polarity extending along a lateral side of the magnetic actuator, thereby defining the effective region of magnetic flux

having a magnitude and direction that is greater than a magnetic field for a given magnet. Claim 1 is also amended to change the word contact to sensor. Claim 2 is amended or recite that the sensor comprises first and second reeds. Claim 4 is amended to recite that the elongated magnet has opposing north and south magnetic components that extend laterally on opposite sides of the magnetic actuator relative to one another.

Claim 10 is amended to recite that the first support member is displaced relative to the second support member in excess of about one inch without a change in the electrical state of the sensor. Claims 6, 7, 11-13, 19, 43 received minor amendments to maintain consistent claim terminology.

Claims 61-63 are independent and incorporate the subject matter deemed allowable by the Examiner.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-2, 4-16, 19-22, 25, 32, 43, 54 and 55-56 were rejected as being obvious over U.S. Pat. No. 4,213,110 to Holce in view of U.S. Pat. No. 3,559,124 to Posey. Specifically, the Examiner asserts that it would have been obvious to one of ordinary skill in the art to use the magnet actuator arrangement of Posey in Holce in order to control the sensitivity of the alarm control system. The Examiner also asserts that the specific orientation of the magnets of the present invention would have been an obvious design consideration and that the normal operating state of the switch (i.e. open or closed) would have been obvious to one of ordinary skill in the art.

Claims 1, 14, 20 and 54 have been amended to recite that the magnetic actuator has an elongated magnetic field of like polarity extending along its lateral side, which forms an effective region of magnetic flux. The Holce patent discloses a magnetically

operated reed switch device with increased sensitivity. The device includes a reed-switch which is mounted in the frame of a window or doorway that is actuated by a fixed actuating magnet that is mounted in a window or door. The sensitivity of the reed switch to slight or small movement of the door is controlled by an adjustable biasing magnet that is operated by an adjustment screw. The position of the biasing magnet is varied after installation by turning the adjustment screw.

The Posey patent controls the sensitivity of the reed switch discussed in that patent by providing an actuating magnet that is aligned parallel to the reed switch. The actuating magnet rotates about the reed switch, thereby controlling the sensitivity of the reed contacts. Hence, there is no motivation to incorporate a rotating magnet/reed switch arrangement into the fixed magnetic reed switch device of the Holce patent.

Furthermore, even if one where to find reason to combine the Holce patent with the Posey patent, the combination does not suggest all of the features of the present invention. Specifically, neither the Holce patent nor the Posey patent disclose or discuss use of an elongated magnetic field of like polarity of the present invention to widen the distance in which the reed switch (which is mountable in one member) and the magnetic actuator (which is mountable in a second member) move relative to one another. The Holce and Posey patents teach the opposite of the present invention. Each of those patents are concerned with increasing the sensitivity of a reed switch/magnetic actuator apparatus to small or slight movements of the magnetic actuator to change the state of the reed switch. Therefore, any movement of the magnetic actuator beyond a small gap or break point of the Holce and Posey patents will trigger a change in the state of the reed switch. In comparison, the magnetically actuated apparatus of the present invention

allows greater movement without a change in the state of the sensor/switch. Therefore, the magnetic actuator device of the Holce patent, even if combined with the Posey patent, are different than cannot be used with the present invention because they do not teach or suggest use an elongated magnetic field with like polarity to allow greater movement without a change in the electrical state of the sensor or switch. Hence, the combination of the Holce and Posey patents does not render the invention recited in claims 1-2, 4-16, 19-22, 25, 32, 43 54 and 55-56 obvious.

Claims 28-31 and 36 were rejected as being obvious over Holce, as modified, as applied to claims 1-2, 14-16, 20-22, 25 and 32, in view of U.S. Pat. No. 6,313,724 to Osterweil. Specifically, the Examiner assets that the Osterweil patent discloses a proximity sensor having magnets [38,40] being oriented transversly to a reed witch and being mounted on a steel plate movable relative to the reed witch. According to the Examiner, it would have been obvious to use the vertical mounting design of Osterweil with the magnets of Holce to concentrate the magnetic field in a smaller area. Applicant respectfully disagrees.

The Osterweil patent teaches the use of a pair of magnets with alternating north and south poles facing one another to form a magnetic pole array through magnetism. The array has a zone where the magnetic field is cancelled due to equal and opposing forces, such that a reed switch introduced into the zone is not activated. The reed switch is activated when a shunt [18] is used to disrupt the balance of the magnetic field vector of the array along the zone, thereby activating the reed switch.

The apparatus of Osterweil patent would not be combined with the apparatus of the Holce patent because Osterweil uses the shunt to control the sensitivity of and

activate the reed switch, whereas Holce uses an adjustable biasing magnet to maintain the magnetic field and to control the sensitivity of the reed switch to slight or small movement of the fixed actuating magnet. Accordingly, there is no motivation to use a shunt with the magnetic switch device of the Holce patent to increase the sensitivity of the reed switch.

Even if one were to find some reason to combine the Osterweil patent with the Holce patent, the combination does not suggest all of the features of the present invention. Specifically, neither the Osterweil patent nor the Holce patent teach overlapping like magnetic fields that form an effective region of magnetic flux. In addition, the present invention does not use a steel plate to disrupt or balance a magnetic field, as with the Osterweil patent.

For the reasons stated above, the rejection of claims 28-31 and 36 should be withdrawn.

The Examiner has considered U.S. Pat. App. 2006/0028308 to be pertinent to the Applicant's disclosure, but has not relied upon that disclosure as a basis for any rejection. Applicant notes that the Busch application was filed on August 9, 2004, which is after Applicant filed his application on March 11, 2004, which claims priority to U.S. Provisional Application No. 60/455,061, filed on March 14, 2003.

Based upon the foregoing, Applicant respectfully submits that claims 1-36, 43, and 54-60 are patentable over the combination of Holce, Posey and Osterweil references. Reconsideration and withdrawal of the § 103(a) rejection of theses claims is requested. It is respectfully submitted that these claims, including new claims 61-63, are patentable

over the prior art and thus, the application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully solicited.

A request for a one-month extension of time is enclosed with this response.

Authorization is hereby provided to charge the $60.00 extension fee and $ 375 for additional claims of the application, any necessary additional fees or credit any overpayment to Deposit Account No. 03-0678. Applicant is a small entity.

FACSIMILE CERTIFICATE

Facsimile Date: July 24, 2006

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at facsimile no. (Fax No. (571) 273-8300) on the date indicated above addressed to:

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Alexandria VA 22313-1450

July 24, 2006
G. Glennon Troublefield Date

Respectfully submitted,
Mahlon William Edmonson, Jr.

G. GLENNON TROUBLEFIELD
Reg. No. 39,050
CARELLA, BYRNE BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
5 Becker Farm Road
Roseland, NJ 07068
Phone: 973-994-1700
Fax: 973-994-1744
Attorneys for Applicant